

REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 1-15 have been cancelled in favor of new claims 16-20, which better define the subject matter Applicants regard as their invention. Support for the features recited in claim 16 is provided at least by original claims 1 and 4-6, and support for the features recited in claims 17, 18, and 20 is provided at least by original claims 2, 3, and 13, respectively. Support for claim 19 and additional support for claims 16-18 and 20 is provided at least in Figs. 3, 4, 6, and 12 and the specification on page 9, lines 10-19; page 10, lines 3-12; page 10, line 25, through page 13, line 17; page 18, line 21, through page 19, line 1; and page 35, line 10, through page 36, line 8.

Claims 1, 4-6, and 13 were rejected, under 35 USC §102(b), as being anticipated by Austin-Lazarus et al. (US 5,422,931) (hereinafter Lazarus). Claims 2, 3, 7-12, 14, and 15 were rejected, under 35 USC §103(a), as being unpatentable over Lazarus in view of Lee (US 6,169,733). To the extent these rejections may be deemed applicable to new claims 16-20, Applicants respectfully traverse.

New claim 16 recites:

A communication terminal apparatus for transmitting and receiving a communication signal, the communication terminal apparatus comprising:

- a first modulator/demodulator that modulates/demodulates a voice communication signal;
- a second modulator/demodulator that modulates/demodulates a data communication signal;
- an input/output terminal that connects to an external apparatus;
- a receiver that receives a control signal for use in identifying a communication type of the communication signal as a voice communication or a data communication;
- a communication type determiner that determines the communication type of the communication signal based on: (1) whether or not the external apparatus is connected to said input/output terminal, when the communication terminal apparatus is to transmit the communication signal and (2) the received control signal, when the communication terminal apparatus is to receive the communication signal; and
- a changeover controller that alternately selects (i) said first modulator/demodulator and (ii) said second modulator/demodulator to modulate/demodulate the communication signal based on the determined communication type.

Lazarus and Lee, either individually or in combination, fail to disclose or suggest the features recited in claim 16 of a communication apparatus that determines a communication signal to be either a voice or data communication based on: (1) whether or not an external apparatus is connected to an input/output terminal of the communication apparatus, when the communication apparatus is to transmit the communication signal and (2) a control signal received by the communication apparatus, when the communication apparatus is to receive the communication signal.

Independent claim 20 similarly recites these features, but with respect to a method claim rather than an apparatus claim. In short, for claims 16 and 20, the basis for determining the communication type differs based on whether the communication signal is to be transmitted or received.

With the claimed structure and method, the user of a communication terminal apparatus need not identify a communication as either a voice or data communication. Instead, the communication type is automatically identified and an appropriate modulator/demodulator may be selected for transmitting/ receiving the communicated signal over an appropriate radio channel.

By contrast to this subject matter defined by claims 16 and 20, Lazarus discloses a control circuit 32 that determines the type of signal that has been received (Lazarus col. 5, lines 65-67). However, Lazarus does not suggest making this determination based on a received control signal, as required by claims 16 and 20. Additionally, Lazarus discloses that a voice signal received from a microphone 38 is processed by control circuit 32 and applied to one of modulators 66 and 68 for subsequent transmission (col. 6, lines 41-44). When transmitting a data signal, control circuit 32 generates the data signal, or receives it from another component, and applies the data signal to an

appropriate one of modulators 66 and 68 (col. 6, lines 44-55). However, Lazarus does not suggest determining whether the outgoing communication is a voice or data communication based on whether an external apparatus is connected to an input/output terminal of the communication apparatus, as required by claims 16 and 20.

Lee is cited in the Office Action only for disclosing a triple-mode communication system capable of communicating in the operational modes of TDMA, CDMA, and HDR (Office Action section 4). As a result, Lee does not cure the deficiencies of Lazarus' teachings with regard to the above-described features of claims 16 and 20.

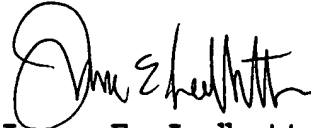
Accordingly, Applicants respectfully submit that Lazarus and Lee fail to disclose or suggest, either individually or in combination, the above-discussed subject matter defined by claims 16 and 20. Therefore, allowance of claims 16 and 20 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone

the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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